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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of  
Richard J. Feldmann  
Serial No. 09/866,925  
Filed: May 30, 2001  
For: Algorithmic determination of flanking DNA sequences  
that control the expression of sets of genes in  
prokaryotic, archae and eukaryotic genomes

Group Art Unit 1645

Examiner John S. Brusca

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated  
September 23, 2004 of the Primary Examiner finally rejecting Claims 20-37.

The Appeal fee of \$250.00 is included in the attached check.

XX Enclosed: Check - \$310.00

— Not required (fee paid in prior appeal in this application with no Board decision on the merits.)

XX Petition is hereby made to the Commissioner of Patents and Trademarks to extend the period for filing  
this Notice of Appeal for one month, so as to expire January 23, 2005. The fee for this  
extension (\$60.00) is included in the attached check.

The Commissioner is hereby authorized to charge any additional fees which may be required (or credit  
any overpayment) to Deposit Account No. 26-0090.

01/27/2005 MAHMED1 00000074 09866925

01 FC:2401  
02 FC:2251250.00 OP  
60.00 OP

Respectfully submitted,

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Date: January 24, 2005

In the event this paper is deemed not timely filed,  
the applicant hereby petitions for an appropriate  
extension of time. The fee for this extension may  
be charged to Deposit Account No. 26-0090 along  
with any other additional fees which may be  
required with respect to this paper.